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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named Inventor : Carsten Sorensen	Appeal No.:
Appln. No.: 10/696,851	
Filed : October 30, 2003	Group Art Unit: 2151
For : BUSINESS EQUIRIES AND OPERATIONS USING MESSAGING SERVICES	Examiner: John B. Walsh
Docket No.: M61.12-0542	

BRIEF FOR APPELLANT

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from a Final Office Action dated April 7, 2006, in which claims 1-22 that were finally rejected.

REAL PARTY IN INTEREST

Microsoft Corporation, a corporation organized under the laws of the state of Washington, and having offices at One Microsoft Way, Redmond, Washington 98052, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment filed with the patent application and recorded on Reel 014658, frame 0135.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF THE CLAIMS

I.   Total number of claims in the application.

Claims in the application are: 22

II.   Status of all the claims.

	A.	Claims cancelled:	---
	B.	Claims withdrawn but not cancelled:	---
	C.	Claims pending:	1-22
	D.	Claims allowed:	---
	E.	Claims rejected:	---
	F.	Claims Objected to:	---

III.   Claims on appeal

The claims on appeal are: 1-22

STATUS OF AMENDMENTS

An Amendment After Final was mailed on June 6, 2006. In an Advisory Action mailed on July 5, 2006, the Examiner indicated that the Amendment After Final would not be entered. The Amendment After Final is not considered to be necessary to proceed with this Appeal.

SUMMARY OF CLAIMED SUBJECT MATTER

I. Brief Background

The present invention deals with facilitating inquires and transactions between businesses or within a company. Specifically, the present invention deals with using an instant messaging service to implement question answering and functional processing between businesses.

In today's business environment, many manufacturers outsource services to, and order parts from, external suppliers. Manufactures also commonly rely on distributors to distribute products to retailers. Goods often flow in such a manufacturing chain from suppliers, through the manufacturer and distributors, to the retailers, and finally to the end consumer. There may commonly be at least three or more shipping links in the manufacturing chain, and all of the companies that perform the functions associated with each link may very well be separate companies. It can thus be very cumbersome and time consuming to track the status of all of the different goods and services provided along the manufacturing chain, and to also track the status of all the varying shipments which are made through separate shipping companies.

For instance, in a conventional manufacturer environment, if a manufacturer wishes

to know the status of an order, the manufacturer must contact the supplier and either speak with the supplier or leave a message, or send an electronic mail transmission to the supplier requesting the status of the order. A person at the supplier must then locate the status of the order and return the call or return the electronic transmission. Alternately, some suppliers may provide computer network access to status information. However, in that instance, the manufacturer must open a network connection to a suppliers network, then choose an appropriate option for viewing order status information, then input an indication of the order (such as the order number) and then allow the supplier system to transmit the status information corresponding to the order to the manufacture's computer for display.

Often, the status associated with such an order is simply the ship date which indicates when the order was shipped. The manufacturer must then go through the same process, all over again, with respect to the shipping company in order to obtain an update from that company. Considering that a manufacturer must repeat this cumbersome process multiple times for a single item that is being supplied by a supplier, and considering the fact that the manufacturer may need to repeat the entire process for a plurality of different items shipped by different suppliers, simply tracking down inventory or other items along the manufacturing chain can be very time consuming and inefficient for a manufacturer. The same problem arises when the manufacturer desires that a functional step be performed on an item of data at a supplier (such as changing a price quote from a supplier to an actual order from that supplier). Of course, the problem exists not only with respect to the manufacturer, but with respect to every member of the manufacturing and distribution chain.

II. Summary of the Invention

A. Claims in Group I

Independent claims 1, 9 and 15, and dependent claims 10, 13, 14 and 17-19 are directed to communicating business information from a first business to a second business. Claims 1 and 9 are drawn to systems and claim 15 is drawn to a method.

The system of claim 1 includes an instant messaging component 238 (p. 15 lines 18-29) that is configured to receive, as an instant message 290 (shown in FIG. 5D, p. 23 lines 17-

19) a business information access request from a second business (such as customer 232 shown in FIG. 3, p. 15, lines 1-9) and to generate an output (such as instant message 292 shown in FIG. 5E, p. 23, line 29-p. 24, line 14) based on the business information access request. The system also includes a data store 244 storing business information corresponding to the business information access request. The system further includes a data store accessing system 242 that accesses the data store 244 based on the output from the instant messaging component 238 (p. 15, line 24-page 17, line 16).

The computer implemented method of claim 15 includes receiving an instant message indicative of a data access operation requested by the second business (such as step 276 in FIG. 4, p. 21, lines 5-21), and generating a data store access operation request based on the instant message received (such as at step 278 in FIG. 4, p. 21, lines 22-28). The method also includes performing the data access operation (such as step 280 in FIG. 4, p. 21, line 29-p. 22, line 7) based on the business data store 244 at the first business 230, wherein data store 244 stores business data related to the second business (such as the types of data shown at 260 in FIG. 5A for the customer 232 shown in FIG. 3).

Independent claim 9, and dependent claims 10, 13 and 14 are directed to a system for generating and sending the instant messaging request. Claim 9 includes a user interface component (such as component 246 in FIG. 3, p. 17, lines 22-29) that is configured to display an indication of a remote business (such as seller 230) and a plurality of features (such as the features shown on display 260 in FIG. 5A, p. 19, line 21-p. 20, line 27) corresponding to the remote business 230 and to receive a user input indicative of a selection of one of the features (such as step 272 in FIG. 4, p. 20, lines 6-12). Claim 9 also includes an instant messaging component (such as message processing system 248 in FIG. 3) coupled to the user interface component (such as component 246) and configured to generate a business information request as an instant message (such as instant message 262 shown in FIG. 5B) and to transmit the instant message to the remote business (such as at step 276 in FIG. 4, p. 21, lines 5-14). Claims 10, 13 and 14 are dependent from independent claim 9.

B. Claims in Group II.

      Claims 2-5, 8, 16 and 22 are directed to the first business (such as seller 230 in FIG. 3) that receives the instant message data access request generating a responsive instant message, in response to the business information access request. Claim 2 is dependent from independent claim 1 and is thus drawn to a system. Claim 2 includes the instant messaging component 238 being configured to generate, as an instant message (such as 268 in FIG. 5C, p. 23, line 28-p. 24, line 14) the response to the business information access request.

      Claim 16 depends from independent claim 15 and is thus drawn to a method. Claim 16 includes the step of sending an instant message (again, such as instant message 268 in FIG. 5C, p. 23, line 28-p. 24, line 14) to the second business indicative of performance of the data access operation (such as shown by step 284 in FIG. 4). Claims 3-5, 8 and 22 depend from either directly or ultimately from claims 2 or 16.

C. Claims in Group III.

      Claims 6-7, 11-12 and 20-21 indicate that the data access request received as an instant message is actually a request to update or manipulate data in data store 244. For instance, the instant message may be a message directing that the customer wishes to change the status of a price quote to an actual order. Claim 6 specifically states that the business information access request is an update request (such as the quote-to-order instant message 294 shown in FIG. 5F, p. 24, line 25-p. 25, line 6) and wherein the data store accessing system 242 is configured to access the data store 244 by updating the data store based on the data update request (p. 24, line 25-p. 25, line 6). The system then returns a message indicating that the update has been performed (such as the message 296 shown in FIG. 5G, p. 25, lines 7-15, which indicates that the quote has been converted to an order).

      Claim 11 is dependent from independent claim 9, and is therefore directed to a user interface. Claim 11 specifically states that a user interface component such as one of components 234 or 246, is configured to display one of a plurality of features (such as the quote-to-order feature on display 260 shown in FIG. 5A) as a data manipulation feature for manipulating business data at a remote business. Claim 20 is a dependent method claim and includes generating a data store update

request based on the data update operation (such as shown at step 280 in FIG. 4, p. 21, line 21-p. 22, line 4).

Claim 7, 12 and 21 depend from claims 6, 11 and 20, respectively.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The only ground of rejection to be reviewed on Appeal is whether claims 1-22 are anticipated under 35 U.S.C. §102(e) by US Patent No. 6,901,430 to Smith.

GROUPING OF CLAIMS

The claims do not stand or fall together, but are instead grouped as follows, wherein each group is believed to be independently patentable:

Group I.   Claims 1, 9-10, 13-15 and 17-19.

Group II.   Claims 2-5, 8, 16 and 22.

Group III.   Claims 6-7, 11-12 and 20-21.

ARGUMENT

I.   Claims 1, 9-10, 13-15 and 17-19 are not anticipated by Smith.

The present invention deals with using instant messaging in a business context, in order to obtain business information. Nowhere does the Smith reference even mention instant messaging. While the Smith reference does mention "messages", Appellants are not merely claiming the use of any type of "messages" in a business context. Instead, Appellants are specifically claiming "an instant messaging component" or method steps including "instant messaging". This is simply neither taught nor suggested by Smith.

More specifically, independent claim 1 is drawn to a communication system for communicating business information from a first business to a second business. The communication system includes an instant messaging component configured to receive, as an instant message, a business information access request from the second business and generate an output based on the business information access request. The communication system also includes a data store storing the business information and a data store accessing system for accessing the data store based on the output from the instant messaging component. Independent claim 9 is drawn to a system for communicating with a remote business. The system includes "a user

interface component configured to display an indication of the remote business and a plurality of features corresponding to the remote business..." and to receive a user input selecting a feature corresponding to the business information request. The system also includes "an instant messaging component,... configured to receive an indication of the business information request, generate the business information request as an instant message, and transmit the instant message to the remote business." Independent claim 15 is drawn to a method in a first business, of communicating with a second business. The method includes "receiving an instant message indicative of a data access operation requested by the second business; generating a data store access operation request based on the instant message received; and performing the data access operation on a business data store...".

The Smith reference neither teaches nor suggests this. Instead, Smith appears to be nothing more than a web service system which allows a user to log onto a web page, specify search criteria (such as vehicle model, make, color, etc.) and submit a search request to a system that identifies products fulfilling the search criteria. Indeed, in order to meet every "instant messaging" limitation in the present claims, the Examiner cited column 3, lines 35-37 of Smith. Those lines specifically state "the system includes a locate client process operable to receive product configuration data and generate a search request message incorporating the product configuration data in response to user input, and an inventory database storing product availability data in the enterprise production pipeline and in inventory." This seems to clearly indicate a web service based system which receives search criteria from the user and launches a search against a database to attempt to identify products fulfilling the search request.

Of course, there are significant differences between a web services approach to allowing customers to search for products, and using instant messaging. A number of those differences are discussed in the background portion of the present application. For instance, the web services mechanisms are often much more cumbersome to use, require a great deal more work on behalf of the user, and can even require more substantive knowledge regarding the particular data processing systems involved, then does instant messaging. In sum, Smith simply fails to teach or even suggest the use of instant messaging.

Because Smith neither teaches nor suggests, nor even mentions instant messaging, Appellants submit that independent claims 1, 9 and 15 are allowable over Smith and that all dependent claims are allowable as well. Appellants thus respectfully request that the rejection of the claims in Group I, and of all claims, be reversed.

II.   Claims 2-5, 8, 16 and 22 are not anticipated by Smith.

The claims in Group II not only include the limitation of the claims in Group I (which state that the data access request is received as an instant message) but they also indicate that the receiving system responds to the data access request with an instant message of its own. For instance, claim 2 states that "the instant messaging component is configured to generate, as an instant message, a response to the business information access request." Claims 3-5 and 8 depend on claim 2.

Similarly, claim 16 includes "sending an instant message to the second business indicative of performance of the data access operation." Claim 22 depends on claim 16.

Thus, not only does Smith fail to teach a system that receives a data access request as an instant message and performs the data access request based on that instant message, but it also specifically fails to teach that it generates a responsive instant message based on the data access request performed. Since Smith specifically fails to teach or suggest generating such a responsive instant message, it cannot teach or suggest claims 2-5, 8, 16 and 22. Therefore, Appellants respectfully request that the rejection of the claims in Group II be reversed.

III.   Claims 6-7, 11-12 and 20-21 are not anticipated by Smith.

The claims in Group III claim a feature by which the system that receives the instant message data access request actually changes data in its database, either by updating it or manipulating it or otherwise modifying it based on the instant message received. Not only does Smith fail to teach or suggest the instant message data access request discussed above with respect to the previous groups, but it also specifically fails to teach or suggest changing data in its database based on a received instant message.

Specifically, claim 6 states that the business information access request is a data update request and "the data store accessing system is configured to access the data store by

updating the data store based on the data update request." Claim 11 allows the user to select a feature that will result in the manipulation of business data at the remote business. Claim 11 specifically states that the user interface component "is configured to display one of the plurality of features as a data manipulation feature for manipulating business data at the remote business." Claim 20 specifically states that generating a data access operation request includes "generating a data store update request based on the data update operation. Claim 21 specifically states that performing the data access operation includes "executing the data store update request against the business data store." Claim 7 depends from claim 6 and claim 12 depends from claim 11. Thus, it can be seen that the claims in Group III specifically require either allowing a user to choose a feature in the instant message data access request that will result in updating the data in the data store, or they specifically claim updating that data in response to the received instant message.

Smith neither teaches nor suggests instant messaging to perform business data accesses. Nor does Smith teach or suggest updating data in a data store based on such an instant message received. Further, Smith neither teaches nor suggests any type of user interface component that allows a user to select a data manipulation feature as part of an instant message, which results in the updating or modification or manipulation of data in a receiving entity's data store. Therefore, Smith cannot anticipate claims 6-7, 11-12 or 20-21. Appellants thus respectfully request that the rejection of the claims in Group III be reversed.

CONCLUSION

In conclusion, Appellants respectfully submit that independent claims 1, 9 and 15 are allowable, and the rejection of all claims should be reversed. Appellants further respectfully submit that the dependent claims in Groups II and III are independently allowable, and the rejection of those claims should be reversed. Appellants thus respectfully request reversal of the rejection of claims 1-22.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: _____
Joseph R. Kelly, Reg. No. 34,847
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone:(612) 334-3222 Fax:(612) 334-3312

JRK:slg

<u>Claim Appendix</u>

1.   A communication system for communicating business information from a first business to a second business, the system comprising:

an instant messaging component configured to receive, as an instant message, a business information access request from the second business and generate an output based on the business information access request;

a data store storing business information corresponding to the business information access request; and

a data store accessing system accessing the data store based on the output from the instant messaging component.

2.   The communication system of claim 1 wherein the instant messaging component is configured to generate, as an instant message, a response to the business information access request.

3.   The communication system of claim 2 wherein the business information access request is a data inquiry requesting data from the data store related to a business transaction, and wherein the data store accessing system is configured to access the data store by executing a query against the data store to retrieve responsive information responsive to the inquiry.

4.   The communication system of claim 2 wherein the business information access request is a status request requesting status of a business transaction, and wherein the data store accessing system is configured to access the data store by executing a query against the data store to retrieve status information responsive to the status request.

5.   The communication system of claim 4 wherein the instant messaging component is configured to generate the response as a status response based on the status information.

6.   The communication system of claim 2 wherein the business information access

request is a data update request, and wherein the data store accessing system is configured to access the data store by updating the data store based on the data update request.

7.   The communication system of claim 6 wherein the data update request is a quote-to-order request, requesting that information in the data store indicative of a quote be updated to be indicative of an order.

8.   The communication system of claim 2 and further comprising:
an alternate response channel, other than instant messaging, wherein the instant messaging component is configured to generate a response using the alternate response channel.

9.   A system for communicating with a remote business, comprising:
a user interface component configured to display an indication of the remote business and a plurality of features corresponding to the remote business and receive a user input indicative of a selected feature corresponding to the business information request; and
an instant messaging component, coupled to the user interface component, configured to receive an indication of the business information request, generate the business information request as an instant message, and transmit the instant message to the remote business.

10.   The system of claim 9 wherein the user interface component is configured to display one of the plurality of features as a business transaction status inquiry.

11.   The system of claim 9 wherein the user interface component is configured to display one of the plurality of features as a data manipulation feature for manipulating business data at the remote business.

12.   The system of claim 11 wherein the data manipulation feature comprises a quote-to-order feature for converting a quote to an order.

13.   The system of claim 9 wherein the instant messaging component is configured to receive a response instant message from the remote business, responsive to the business information request.

14.   The system of claim 13 wherein the user interface component is configured to display the response instant message.

15.   A computer implemented method in a first business of communicating with a second business, comprising:

receiving an instant message indicative of a data access operation requested by the second business;

generating a data store access operation request based on the instant message received; and

performing the data access operation on a business data store at the first business that stores business data related to the second business.

16.   The method of claim 15 and further comprising:

sending an instant message to the second business indicative of performance of the data access operation.

17.   The method of claim 15 wherein the data access operation comprises an information request and wherein generating a data access operation request comprises:

generating a data store query based on the information request.

18.   The method of claim 17 wherein performing the data access operation comprises:

executing the data store query against the business data store.

19.   The method of claim 15 wherein the data access operation comprises a status inquiry requesting status of a business transaction, and wherein generating a data access operation

request comprises:

generating a data store query based on the status inquiry.

20.   The method of claim 15 wherein the data access operation comprises a data update operation to update data in the business data store, and wherein generating a data access operation request comprises:

generating a data store update request based on the data update operation.

21.   The method of claim 20 wherein performing the data access operation comprises:

executing the data store update request against the business data store.

22.   The method of claim 16 and further comprising:

sending a responsive communication to the second business through an alternate communication channel.

Evidence Appendix

None

Related Proceedings Appendix

None